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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,836	05/09/2002	Patrik Mossberg	P 290622	5765
909 7590 01/28/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER KASRAIAN, ALLAHYAR	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,836

Applicant(s)

MOSSBERG ET AL.

Examiner

Allahyar Kasraian

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/22/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement submitted on 01/22/2002 has been considered by the Examiner and made of record in the application file.

Preliminary Amendment

3. The present Office Action is based upon the original patent application filed on 01/22/2002 as modified by the preliminary amendment filed on 05/09/2002. **Claims 1-22** are now pending in the present application.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they **fail to show the descriptions and details in FIGS. 3 and 7-10** as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. **Claims 2-11 and 13-22** are objected to because of the following informalities:
 - a. On lines 1 of claims 2-11 and 13-22, replace "A" with --The-- before "method" or "system";.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1 and 12** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not support, "an additional identification unit communication over a channel separated from said mobile communication means communication channel".

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1 and 12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly the subject matter which applicants regards as invention.

10. **Claim 1** is vague and indefinite because it recites "a service unit telephone device or a clearing unit telephone device, respectively,..." in lines 4-5 of the claim, and the service unit or the clearing unit, respectively,..." in line 7 of the claim.

11. **Claim 1** recites "adapted" line 6 of which renders the claim indefinite as it is not clear whether it is supporting it or not supporting it.

12. **Claim 12** recites "adapted" line 9 of which renders the claim indefinite as it is not clear whether it is supporting it or not supporting it.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. **Claims 1, 2 and 6-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hannula et al. (US Patent # 6366893 B2)** (hereinafter Hannula) in view of **Parminder (EP 0873032 A1)**.

Consider **claim 1**, Hannula discloses a method for identifying a juridical person in order to provide said juridical person (FIG. 5, mobile station MS) access to a provided service (FIG. 5, shops 14, 15 and 16), comprising the retrieval of a CLI-number provided to a mobile communication means allocated to said juridical person (FIG. 5, mobile station MS), the CLI-number (consider as digital payment service indicated in lines 33 of col. 7) being a part of the phone communication protocol and being retrieved at a service unit telephone device (FIG. 5 shops 14, 15 or 16) or a clearing unit telephone device (FIG 5, service gateway 10), respectively, during a phone call connection trial, said units being adapted not to establish the communication, whereby the call is refused at the service unit or the clearing unit, respectively, if the service unit refuses the call it communicates to the clearing unit which always decides if a received CLI-number has access to the service provided (col. 7, lines 25-52);

However, Hannula fails to disclose the CLI-number and an additional identification of the juridical person is accomplished through input of additional data to the service unit via an additional identification unit communicating over a channel

separated from said mobile communication means communication channel, and wherein access to the requested service is established if the CLI-number is cleared for access by the clearing unit and the juridical person is identified by the additional identification unit.

In the same field of endeavor, Parminder discloses CLI-number and an additional identification of the juridical person is accomplished through input of additional data to the service unit via an additional identification unit communicating over a channel separated from said mobile communication means communication channel, and wherein access to the requested service is established if the CLI-number is cleared for access by the clearing unit and the juridical person is identified by the additional identification unit (FIG. 2, abstract where the additional identification unit is considered as verification unit 36 and the caller authentication number (CAN) is transmitted from the juridical person's mobile on a separated channel as requested by the verification unit).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate CLI-number for identification of the mobile user and an additional identification unit as shown by Parminder to the method and system for identifying a mobile user for performing payment transaction disclosed by Hannula for purpose of increasing security in a mobile communication system.

Consider **claim 2**, Hannula as modified by Parminder disclose the claimed invention **as applied to claim 1 above**, and in addition Hannula discloses the service is a payment transaction (col. 7, lines 25-52).

Consider **claim 6**, Hannula as modified by Parminder disclose the claimed invention **as applied to claim 1 above**, and in addition Hannula discloses the clearing unit checks if the received CLI-number is stored in a connected computer database and if so, looking for information corresponding to said CLI-number, and if the CLI-number is stored in the computer database and if the related information qualifies the user of that CLI-number to have access to the said service, the clearing unit sends an access confirmation to the service unit (FIGS. 5 and 6 for database 1, col. 7 lines 52-57).

Consider **claim 7**, Hannula as modified by Parminder disclose the claimed invention **as applied to claim 1 above**, and in addition Hannula discloses the user is notified to his mobile communication means of a service (col. 6 lines 34-39; col. 7 lines 59-67).

Consider **claim 8 as applied to claim 1 above**, Parminder discloses the additionally input data is a PIN-code (col. 3 lines 54-55).

Consider **claim 9 as applied to claim 1 above**, Parminder discloses the identification unit comprises means for biometric or electronic identification (col. 3 lines 54-58 and col. 4 lines 1-6).

Consider **claim 10 as applied to claim 1 above**, Parminder discloses the identification unit comprises means for fingerprint recognition or PIN-code recognition (col. 4 lines 9-12).

Consider **claim 11**, Hannula as modified by Parminder disclose the claimed invention **as applied to claim 7 above**, and in addition Hannula discloses a notification is transmitted via an SMS message or the like from the service unit or the clearing unit, which thus comprise a GSM means or the like for transmission of the SMS (col. 6 lines 34-39 and 65-67; col. 7 lines 1-3 and 59-67).

14. **Claims 3-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hannula et al. (US Patent # 6366893 B2)** (hereinafter Hannula) in view of **Parminder (EP 0873032 A1)** further in view of **Kotsuna (JP 11120398)**.

Consider **claim 3 as applied to claim 1 above**, Hannula as modified by Parminder disclose the claimed invention except the service is a facility access transaction.

In the same field of endeavor, Kotsuna discloses the service is a facility access transaction (abstract).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to combine a service with access transaction as shown by Kotsuna to the mobile station and communication system disclosed by Hannula as modified by Parminder for purpose of authenticating a person by his/her portable telephone to access services.

Consider **claim 5 as applied to claim 3 above**, Kotsuna discloses the facility access does not have any physically accessible locking means from outside the facility for entering the facility (abstract).

Consider **claim 4 as applied to claim 1 above**, Hannula as modified by Parminder disclose the claimed invention except a service category called for is dependent on the telephone number dialed.

In the same field of endeavor, Kotsuna discloses a service category called for is dependent on the telephone number dialed (abstract).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate the phone numbers of the services as in order to provide the specific service as shown by Kotsuna to the mobile station and communication system disclosed by Hannula as modified by Parminder for purpose of accessing the service by dialing the phone number of the service center.

15. **Claims 12, 13, 15 and 17-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hultgren (US Patent # 6868391 B1)**.

Consider **claim 12**, Hultgren discloses a system for identifying a juridical person in order to provide said juridical person access to a provided service, comprising a mobile communication means with a CLI-number, the means being allocated to said person, and said CLI-number being part of the phone communication protocol (FIG. 1A, 1B, or 5A for customer with mobile telephone 60 as the juridical person, col. 6 lines 17-27; costumer identifier e.g. customer directory number is considered as CLI-number); a service unit device and a clearing unit device (FIG. 1A or 1B; merchant terminal 70 as the service unit device, and TSN 30 as the clearing unit; col. 3 lines 38-40, col. 4 lines 13-17), being connected to a computer database, which decides if the received CLI-number has access to the service provided, whereby at least one of them comprises a unit telephone device to be called by said person with said mobile communication means (FIG. 2 TSN 30 modules , clearing unit, with transaction data base 220, col. 5 lines 17-45); retrieval means at the service unit or the clearing unit for the CLI-number during a phone call connection trial, being adapted not to establish the communication, whereby a call is refused at the unit telephone device, the system further including (col. 6, lines 13-36):

a keyboard or keypad provided in the service unit, for entering additional data to the service unit, via an additional identification unit communicating over a channel

separated from said mobile communication means communication channel (col. 4 lines 15-17 and col. 8 lines 42-52, additional identification unit is coinsured as the information that is verified by the merchant 70);

wherein said service unit provides access to the service if the CLI-number is cleared for access by the clearing unit and the juridical person is identified by the additional identification unit (FIG. 1 col. 8 lines 42-56).

However, Hultgren fails to explicitly disclose a keyboard or keypad provided in the service unit, for entering additional data.

Nonetheless, the Examiner takes **Official Notice** that it is notoriously well known in the art the computerized cash register (col. 4, line 16) could include keyboard of key path and an operator of the cash register (merchant) should enter some type of data to verify transaction request.

Therefore, as suggested by Hultgren, it would have been obvious to a person of ordinary skills in the art at the time the invention was made for Hultgren's computerized cash register to include a keyboard or keypad for entering data for purpose of transaction validation.

Consider **claim 13 as applied to claim 12 above**, Hultgren discloses the service is a payment transaction (col. 4 lines 48-50).

Consider **claim 15 as applied to claim 12 above**, Hultgren discloses a service category called for is dependent on the telephone number dialed (col. 4 lines 50-59).

Consider **claim 17 as applied to claim 12 above**, Hultgren discloses the clearing unit checks if the received CLI-number is stored in said connected computer database and if so, looking for information corresponding to said CLI-number, and if the CLI-number is stored in the computer database and if the related information qualifies the user of that CLI-number to have access to the said service, the clearing unit sends an access confirmation to the service unit (col. 5 lines 39-62).

Consider **claim 18 as applied to claim 12 above**, Hultgren discloses the user is notified to his mobile communication means of a service (col. 4 lines 65-67).

Consider **claim 19 as applied to claim 18 above**, Hultgren discloses a notification is transmitted via an SMS message or the like from the service unit or the clearing unit, which thus comprise a GSM means or the like for transmission of the SMS (col. 13 lines 21-32).

Consider **claim 20 as applied to claim 12 above**, Hultgren discloses the additionally input data is a PIN-code (col. 11 lines 43-50).

Consider **claim 21 as applied to claim 12 above**, Hultgren discloses the identification unit comprises means for biometric or electronic identification (col. 8 lines 42-52).

Consider **claim 22 as applied to claim 12 above**, Hultgren discloses the identification unit comprises means for fingerprint recognition or PIN-code recognition (col. 12 lines 31-41).

16. **Claims 14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hultgren (US Patent # 6868391 B1)** in view of **Kotsuna (JP 11120398)**.

Consider **claim 14 as applied to claim 12 above**, Hultgren discloses the claimed invention except the service is a facility access transaction.

In the same field of endeavor, Kotsuna discloses the service is a facility access transaction (abstract).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to combine a service with access transaction as shown by Kotsuna to the mobile station and communication system disclosed by Hultgren for purpose of authenticating a person by his/her portable telephone to access services.

Consider **claim 16 as applied to claim 14 above**, Kotsuna discloses the facility access does not have any physically accessible locking means from outside the facility for entering the facility (abstract).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Houvener et al. (U.S. Patent # 6397194 B1) discloses Receipt scanning system and method.

Turtiainen (U.S. Patent # 6430407 B1) discloses Method, apparatus, and arrangement for authenticating a user to an application in a first communications network by means of a mobile station communicating with the application through a second communications network.

Vatanen (U.S. Patent # 6169890 B1) discloses Mobile telephone system and method for carrying out financial transactions using a mobile telephone system.

Ratayczak et al. (U.S. Patent # 6259909 B1) discloses Method for securing access to a remote system.

18. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
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Alexandria, VA 22313-1450

Hand-delivered responses should be brought to


Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

19. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Rafael Pérez-Gutiérrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617
1/22/08

Allahyar Kasraian
A.K./ak
January 18, 2008